

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

MATTHEW W. BOUTWELL, et al.

PLAINTIFFS

V.

CIVIL ACTION NO. 2:06-CV-269-KS-MTP

JONES COUNTY, MISSISSIPPI, et al.

DEFENDANTS

ORDER

THIS MATTER came before the court this day for a case management conference and for consideration of a number of motions to stay this case pending a resolution of the issue of qualified immunity raised by certain defendants. The court having considered the matter finds and orders as follows:

1. Sheriff Roger Wood Speed's Motion to Compel Rule 7(a) Reply to Qualified Immunity Defense [5] is granted. Additionally, upon considering the positions of the parties during the case management conference, the court orders and directs the plaintiff to file a reply pursuant to Federal Rule of Civil Procedure 7(a) to the qualified immunity defenses raised by each defendant. Said replies shall be filed on or before April 11, 2007, and shall set forth with factual detail and particularity the basis for plaintiffs' claim or position that the defendant/official cannot successfully maintain the defense of qualified immunity.

2. Should the parties deem it necessary to further develop the issue of qualified immunity as raised by certain defendants upon reviewing the plaintiffs' Rule 7(a) reply, the court will permit reasonable discovery as follows:

a. Each party may propound 5 interrogatories, 5 requests for admissions and 5 requests for production.

b. Should the issues not be sufficiently developed or clear upon exchange of documents or written discovery, the parties may conduct depositions which shall be very limited in time and scope. Said depositions shall be strictly limited to the issue of qualified immunity and should be brief in time.

c. The discovery outlined above is limited solely to the issue of qualified immunity and shall be concluded on or before June 30, 2007.

3. Any further motions to dismiss or for summary judgment on the issue of immunity shall be filed on or before July 20, 2007. Plaintiff's response to any such motion is due on or before August 10, 2007 and any reply or rebuttal is due on or before August 20, 2007.

4. The various motions for a stay pending resolution of the immunity issues are granted. [docket numbers 7, 33 and 36]. Except as set forth above and pursuant to Local Rule 16.1 (B)(4), this matter is stayed pending further order or upon final disposition of the immunity issues.

5. Within ten (10) days of a final disposition of the immunity issues, counsel for Plaintiff shall contact chambers of the undersigned to schedule a case management conference.

6. This order may be modified or amended upon a showing of good cause.

SO ORDERED on this 28th day of March, 2007.

s/ Michael T. Parker

United States Magistrate Judge